

REMARKS

Claim 11 has been amended to include the subject matter of cancelled Claim 12.

Claim 12 has been cancelled.

Claim 13 has been amended to change its dependency from cancelled Claim 12 to Claim 11.

Claim 14 has been amended to change its dependency from cancelled Claim 12 to Claim 11.

Claims 16-18 have been cancelled.

The present invention relates to flexible polyurethane foams which are the reaction product of a polyisocyanate and a polyether polyol. The polyether polyol which is produced by alkoxylation in the presence of a double metal cyanide catalyst has (a) a terminal propylene oxide block; (b) at least one ethylene oxide/propylene oxide mixed block; and (c) a number average molecular weight of from 700 to 50,000 g/mole.

Claims 11-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Thompson et al (U.S. Patent 6,008,263). Claims 12 and 16-18 have been cancelled. Claims 11 and 13-15 as amended herein are believed to define the present invention in a manner which is patentably distinct from the teachings of Thompson et al.

More specifically, Thompson et al discloses the use of polyols in which mixtures of ethylene oxide and propylene oxide are used in both stages of production of the polyol. Consequently, the polyol required by Thompson et al will have both ethylene oxide and propylene oxide terminal blocks.

Applicants' invention requires a polyol having only a terminal propylene oxide block.

Thompson et al does not therefore disclose the claimed invention in the manner necessary to support a rejection under 35 U.S.C. § 102(e).

Withdrawal of this rejection is therefore requested.

Claims 11-18 further stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lear et al (U.S. Patent 5,958,994). Claims 12 and 16-18 have been cancelled. Applicants believe that Claims 11 and 13-15 as amended herein are directed to subject matter which is not disclosed by the Lear et al reference.

More specifically, Lear et al requires a polyol having a high molecular weight tail containing oxypropylene and oxyethylene moieties with a substantially homopolyoxypropylene cap. Applicants' invention does not require such high molecular weight tail.

Lear et al does not therefore disclose Applicants' claimed invention in the manner necessary to support a rejection under 35 U.S.C. § 102(e).

Withdrawal of this rejection is therefore requested.

Claims 11-18 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beisner et al (U.S. 6,066,683). Claims 12 and 16-18 have been cancelled. Applicants believed that the subject matter of Claims 11 and 13-15 as amended herein is patentably distinct from the teachings of Beisner et al.

More specifically, Beisner et al discloses foams made with a polyol having a random ethylene oxide content of from about 1.5 to no more than 5 weight percent. Beisner et al does require a polyol having the terminal propylene oxide block required in Applicants' claimed invention.

Beisner et al does not therefore disclose Applicants' claimed invention in the manner necessary to support a proper rejection under 35 U.S.C. § 102(e).

Withdrawal of this rejection is therefore requested.

Claims 11-18 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Hager (U.S. Patent 5,648,559). Claims 12 and 16-18 have been cancelled. Applicants believe that Claims 11 and 13-15 as amended herein define subject matter which is patentably distinct from the teachings of Hager.

More specifically, Hager discloses a polyol having one or more random poly(oxypropylene/oxyethylene) external blocks. Hager does not disclose the polyol having a terminal propylene oxide block required in Applicants' claimed invention.

Hager does not therefore disclose Applicants' claimed invention in the manner necessary to support a proper rejection under 35 U.S.C. § 102(b).

Withdrawal of this rejection is therefore requested.

Claims 11-18 further stand rejected under 35 U.S.C. § 102(b) as being anticipated Kinkelaar et al (U.S. Patent 5,668,191). Claims 12 and 16-18 have been cancelled. Applicants believe that Claims 11 and 13-15 as amended herein are patentable over the teachings of Kinkelaar et al.

More specifically, Kinkelaar et al does not require the polyol having the terminal propylene oxide block required in Applicants' claimed invention.

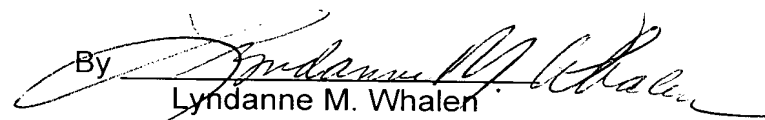
Kinkelaar et al does not therefore disclose Applicants' claimed invention in the manner necessary to support a proper rejection under 35 U.S.C. § 102(b).

Withdrawal of this rejection is therefore requested.

In view of the above amendments and remarks, reconsideration and allowance of Claims 11 and 13-15 are respectfully requested.

Respectfully submitted,

By


Lyndanne M. Whalen
Attorney for Applicants
Reg. No. 29,457

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3843
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\kgb\lmw2384am